



U.S. Citizenship
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FILE:

Office: VERMONT SERVICE CENTER

Date: JUL 07 2008

[WAC 05 23951921, *appeal*]

[WAC 05 211 76454]

INRE:

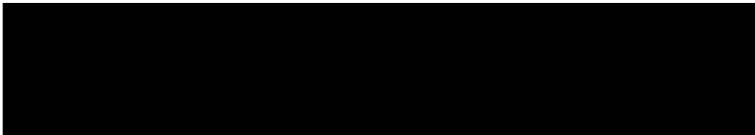
Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of El Salvador who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.c. § 1254.

The applicant filed an initial Form 1-821, Application for Temporary Protected Status, under receipt number LIN 01 14252465 during the initial registration period. The Director, Nebraska Service Center (NSC), denied that application on September 8, 2001, after determining that the applicant had abandoned his application by **failing** to respond to a request for evidence. The applicant filed a subsequent Form 1-821, again during the initial registration period, under receipt number LIN 02 255 50916. The NSC Director denied that application on December 2, 2002, after determining the applicant had not met the continuous residence requirements for TPS. A subsequent appeal was dismissed after the Director (now Chief) of the AAO also determined that the applicant had not established that he had been continuously physically present since March 9, 2001. Motions to reopen were dismissed by the NSC Director on October 29, 2003 and January 23, 2004. After a review of the record, the Chief, AAO, concurs with the NSC Director's denial decisions.

The applicant filed the current Form 1-821 on April 29, 2005, and indicated that he was re-registering for TPS.

The CSC Director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

If an alien is filing a re-registration application, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

The applicant has not previously been granted TPS. Therefore, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

There is no indication that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration. Moreover, there is no evidence in the file to suggest that the applicant is eligible for late registration for TPS under 8 C.F.R. § 244.2(f)(2).

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. An alien applying for temporary protected status has the burden of proving that he or she meets the requirements cited above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

ORDER: The appeal is dismissed.